

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

SAMUEL A. JOHNSON; TERESA L.
JOHNSON; SAMUEL S. JOHNSON;
JEAN JOHNSON; NEW HOLLAND
CREDIT COMPANY, n/k/a CNH
Capital America, LLC; LIVINGSTON
STATE BANK; FARMERS SAVINGS
BANK; HOMETOWN BANK; and
DAVID SCHMITZ DC,

Defendants.

Case Number 08-cv-0008-bbc

ORDER OF DISMISSAL

The plaintiff, United States of America, having advised the court of the terms of the settlement reached with defendants Samuel A., Samuel S., and Jean Johnson, and having moved the court for such relief as these parties have agreed, and no objection appearing thereto,

IT IS HEREBY ORDERED that the United States Marshal's sale of August 11, 2008, confirmed by this court on September 24, 2008, is disapproved.

IT IS FURTHER ORDERED that the \$7000 down payment submitted by defendants Samuel S. and Jean Johnson is hereby forfeited to the United States, and pursuant to the parties' agreement, shall be used to pay the United States' costs of this

action with the remainder to be credited against Samuel A. Johnson's debt with the Farm Service Agency.

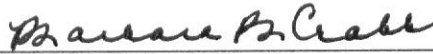
IT IS FURTHER ORDERED that the additional \$4500 submitted by Samuel A. Johnson to the United States shall be credited to his debt with the Farm Service Agency.

IT IS FURTHER ORDERED that the judgment of foreclosure and sale entered on May 16, 2008, is vacated pursuant to Fed. R. Civ. P. 60(b)(5).

IT IS FURTHER ORDERED that this case is dismissed with prejudice and without costs.

Entered this 21st day of October, 2008.

BY THE COURT:



BARBARA B. CRABB
Chief Judge
United States District Court
Western District of Wisconsin